

**Bills Committee on
Smoking (Public Health) (Amendment) Bill 2005**

**Administration's response to issues raised
at the Bills Committee meeting on 10 June**

Smoking Prohibition Arrangements at Cross-boundary Ferry Terminals

PURPOSE

This paper is to inform Members of the smoking prohibition arrangements at the two cross-boundary ferry terminals in Hong Kong.

MEMBERS' QUESTION

2. At the above meeting, Members requested clarification on whether the smoking room in the China Ferry Terminal building in Tsim Sha Tsui is to be regulated under the Smoking (Public Health) (Amendment) Bill 2005 ("the Bill").

ADMINISTRATION'S RESPONSE

Present situation

3. There are at present two cross-boundary ferry terminals which serve as boundary control points, namely the Macau Ferry Terminal (MFT) at Sheung Wan and the China Ferry Terminal (CFT) at Tsim Sha Tsui. The ferry routes operated at MFT are mainly between Hong Kong and Macau, as well as other destinations, including Zhongshan, Zhuhai, Nansha and Shenzhen. At the CFT, the majority of the ferry routes are plying the Pearl River Delta (PRD) to 17 different destinations in Guangdong. There are also ferry services to Xiamen in Fujian Province and Macau. A list of the current cross-boundary ferry services' routes and voyages at these two terminals is at Annex A.

Smoking prohibition arrangements

4. According to section 4(1) of the Smoking (Public Health) Ordinance, no person shall smoke or carry a lighted cigarette, cigar or pipe in a public transport carrier. Paragraph 10 of Schedule 1 to the Ordinance stipulates that smoking is prohibited in "those parts of a ferry vessel operated under a franchise or a licence granted under the Ferry Services Ordinance (Cap. 104) opened, kept or used for or in connection with the carriage of passengers or to which the passengers have or are permitted to

have access". The Ferry Services Ordinance (Cap. 104) does not apply to ferry services at the MFT and CFT.

5. According to the Marine Department that in consideration of segregating the smokers from the non-smoking passengers, at the MFT, a total of five smoking areas are assigned for smokers at the departure lounge of the inner pier and the outer pier of the terminal. Smoking is otherwise prohibited within the terminal. At the CFT, an enclosed room with isolated ventilation is assigned at the departure area for smokers. The relevant floor plans showing the location of the smoking areas at the two terminals are at **Annexes B and C**. Although ferry vessels operating at MFT and CFT are not licensed under the Ferry Services Ordinance, we understand from ferry operators that smoking has already been banned in indoor areas of vessels.

The Bill

6. Under the Bill, it is proposed that while the majority of indoor areas in non-residential buildings will have to go smokefree, some places will be exempted from the smoking ban on human rights, privacy and enforceability grounds. These include, among others, smoking rooms in airport passenger terminals. The proposed exemption is based on the consideration that passengers awaiting departure within the restricted areas at the airport terminals are not allowed to freely move in and out of that area for security reasons. It is therefore impracticable to require them to smoke in outdoor area while awaiting departure.

7. The question then arises as to whether similar exemption should be given to the smoking areas in two cross-boundary ferry terminals having regard to the fact that passengers awaiting departure at the ferry terminals are in a similar state as those awaiting departure at the airport.

Considerations

8. We note that the smoking area at CFT is an enclosed room whereas the smoking areas at MFT are not fully enclosed. We also note that the journey times of the ferry routes operated at these two terminals vary considerably. The journey time for ferry service between Hong Kong and Macau is about one hour on average whereas those between Hong Kong and cities in the PRD vary between one to four hours.

9. In the light of the above, we will further discuss with the Marine Department and other relevant parties including the ferry companies whether smoking is to be totally prohibited at the two cross-boundary ferry terminals. We will report to the Bills Committee in due course.

ADVICE SOUGHT

10. The Bills Committee is invited to note the Administration's response.

Cross-boundary Ferry Services Routes and Voyages (June 2005)

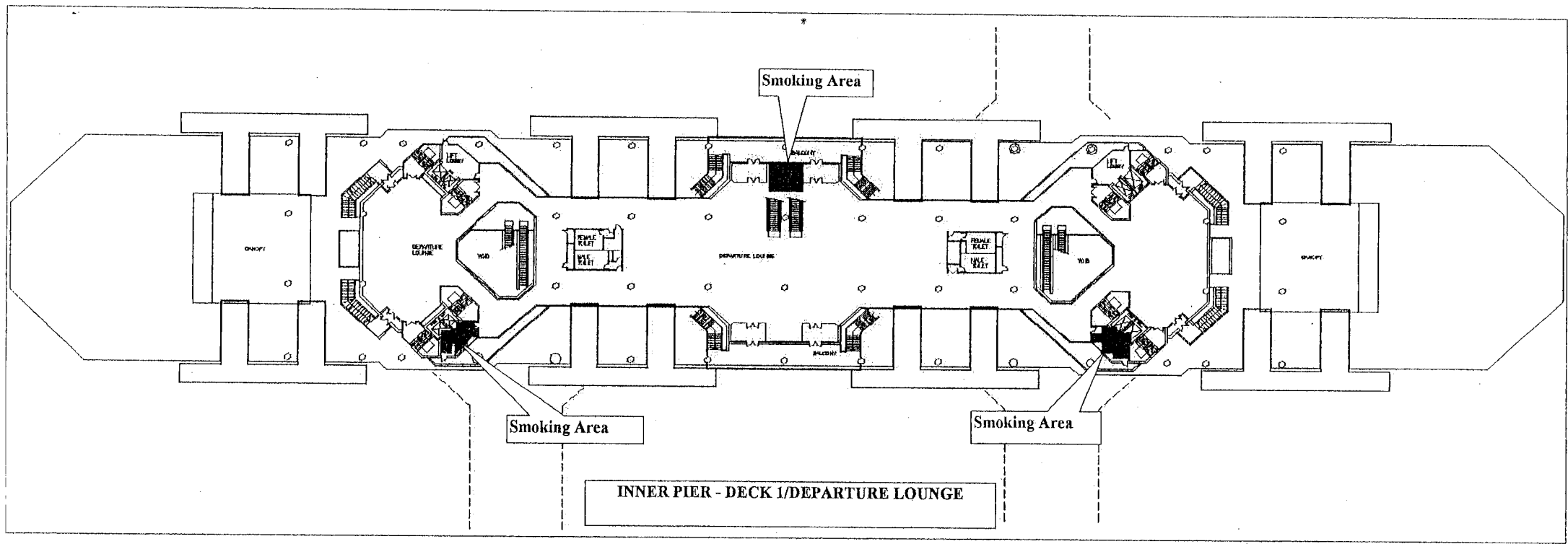
Macau Ferry Terminal			China Ferry Terminal		
		Voyage Time			Voyage Time
CKS			CKS	Dou Men 斗門	2 hr 10 min
				Gao Ming 高明 ¹	3 hr
				Gong Yi 公益 ²	4 hr
				He Shan 鶴山 ¹	2 hr 30 min
				Hu Men 東莞虎門	1 hr 40 min
			Jiang Men 江門	2 hr 30 min	
			Lian Hua Shan 蓮花山	1 hr 40 min	
			Ping Zhou 南海平洲	2 hr 45 min	
			San Bu 三埠 ²	4 hr 30 min	
			Shun De 順德	1 hr 50 min	
			Zhao Qing 肇慶	3 hr 50 min	
	Zhong Shan 中山	1 hr 30 min	Zhong Shan 中山	1 hr 30 min	
	Zhu Hai 珠海	1 hr 5 min	Zhu Hai 珠海	1 hr 5 min	
CMS	She Kou 蛇口	1 hr	CMS	She Kou 蛇口 ³	1 hr
			CSL	Shan Tou 汕頭	14 hr
EPF	Nan Sha 南沙	1 hr 15 min	EPF	Nan Sha 南沙	1 hr 15 min
NWF			NWF	Macau 澳門	1 hr
STC	Macau 澳門	1 hr	STC		
	Shen Zhen 深圳	1 hr		Shen Zhen 深圳	1 hr
			XUE	Xia Men 廈門	20 hr

CKS	Chu Kong Shipping Enterprises (Holdings) Company Limited	珠江船務企業(集團)有限公司
CMS	China Merchants Shipping & Enterprises Company Limited	招商局船務企業有限公司
CSL	Conning Shipping Limited	港興船務有限公司
EPF	Expert Fortune Limited	早興有限公司
NWF	New World First Ferry Services (Macau) Limited	新世界第一渡輪服務(澳門)有限公司
STC	Shun Tak - China Travel Ship Management Limited	信德中旅船務管理有限公司
XUE	Xiamen United Enterprises (H.K.) Limited	廈門三聯企業(香港)有限公司

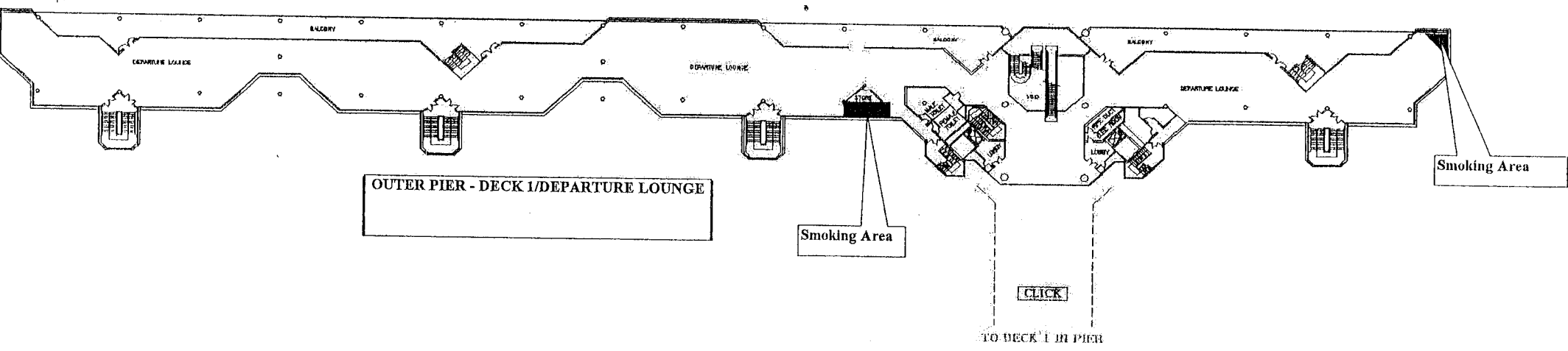
Notes: 1. The CKS ferry service is bound for Gao Ming and stopping-over at He Shan.

2. The CKS ferry service is bound for San Bu and stopping-over at Gong Yi

3. CMS provides ferry service to She Kou with both Dynamically Supported Craft and a conventional passenger vessel (as from May 2005)



Macau Ferry Terminal



China Ferry Terminal

- LEGEND: STR - STAIRCASE
EL - ESCALATOR
◊ - TO PIER DECK
◀ - TO OUTSIDE TERMINAL

